

Serial No: 10/525,216
Docket No: 11848-20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Pierre Mars, *et al.*
Serial No. : 10/525,216
Filed : July 26, 2005
For : A POWER SUPPLY FOR A COMMUNICATIONS
MODULE THAT DEMANDS HIGH POWER
DURING PREDETERMINED PERIODS
Group Art Unit : 2618 Confirmation No: 5555
Examiner : Nhan T. Le

COMMUNICATION

MAIL STOP - PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The above-identified application is currently pending in front of the USPTO. An Office Action, dated March 5, 2008 has been received, and an appropriate response is expected to be filed in a timely manner.

A Notification of Abandonment ("Notification") was mailed to customer number 23838, which corresponds to the law firm of the undersigned attorney. The Notification was mailed on December 11, 2007 and identifies application No. 10/568,519 (i.e., a different serial number than the one above), but also identifies the same first named applicant, attorney docket number, and International Application Number. In response to receipt of this Notification, repeated calls were made to Ms. Donna Greene at the USPTO (the signatory of the Notification), but none of those calls were returned. After a brief and recent call to the PCT help desk, an explanation for the Notification was provided to the undersigned. Applicants submit this Communication to clear up any remaining confusion concerning the above-identified case.

This application was filed on February 22, 2005, as a National Phase Application based on the priority of International Application Number PCT/AU2003/001117 and was accorded Serial No. 10/525,216. Throughout the prosecution of this application, reference to this International Number has been stated. It appears that there was an inadvertent error in the Transmittal Letter to the USPTO. The document mistakenly identified the International Application No. as PCT/JP2003/001117. The stamped postcard gave this file U.S. Serial No. 10/525,216.

A Notification of Missing Requirements was mailed dated August 9, 2005 and indicates the International Application No. is **PCT/JP03/01117**. An appropriate response was filed for U.S. Serial No. 10/525,216 on August 17, 2005 and included copies of previously filed documents including the declaration, which clearly indicates this application is based on PCT/AU2003/001117. It appears that a new national phase transmittal letter was not transmitted at this time.

On February 14, 2006, a revised national phase transmittal letter was faxed to Mamie Person at the USPTO to correct the International Application Number from PCT/JP2003/001117 to PCT/AU2003/001117.

As indicated above, the Notification of Abandonment was mailed on December 11, 2007 and identifies PCT/AU03/01117 as the International Application Number and has a different U.S. Serial No. (10/568,519). It appears that when the International Application Number was corrected with the PTO, the PTO created a new serial number. As indicated above, an appropriate response was filed to a Notification of Missing Requirements mailed on August 9, 2005 for Serial No. 10/525,216 and included copies of all documents initially submitted July 26, 2005, to complete 35 U.S.C. 371 requirements. A Notice of Acceptance indicating 35 U.S.C. 371 requirements were completed as of the July 26, 2005, submission was mailed on August 9, 2006. It is noted, however, that the Notice of Acceptance still incorrectly listed the International Application as PCT/JP03/01117.

The Notification of Abandonment indicates that a Notification of Missing Requirements was mailed on February 16, 2007 for Serial No. 10/568,519. The undersigned is unaware whether such a document was received. It is noted that Serial No. 10/568,519 does not correspond to a case for which the undersigned's law firm is responsible.

In view of the above, it appears that Applicants have met the technical requirements for filing this application in U.S. Serial No. 10/525,216 and have properly claimed priority to PCT/AU2003/001117 and the corresponding Australian applications therein. The creation of a new serial number (10/568,519) appears to be in error, and the mailing of the Notification of Abandonment in serial number 10/568,519 appears to be immaterial to the pendency of serial number 10/525,216 (the above-identified case). It is further noted from a review of the PTO IFW on Private PAIR for serial number 10/568,519 that the initial document submission date is listed as February 14, 2006. This date is the date the revised National Phase transmittal letter to correct the International Application number was faxed to Mamie Person at the PTO, and is long after the expiration of the February 29, 2005, National Phase entry date for PCT/AU03/01117.

An Application Data Sheet setting forth the chain of priority for serial number 10/525,216 is included with this communication. Correction of the record and issuance of a corrected Filing Receipt is respectfully requested.

Though no fees are believed to be owed to correct this error, the Office is authorized to charge any fees due under 37 CFR §§§ 1.16, 1.17 or 1.136 or credit any overpayments to Deposit Account 11-0600. If the PCT Legal Office believes that some further document is needed in this case, please contact the undersigned at the phone number indicated.

Respectfully submitted,

Dated: July 31, 2008

/Shawn W. O'Dowd/
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